

DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

ESI

As a below named Inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole Inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ULTRASOUND PROBE POSITIONING IMMERSION SHELL, the specification of which

Is attached hereto unless the following box is checked:

 was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or Inventor's certificate listed below and have also identified below any foreign application for patent or Inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

 Yes No

(Number)	(Country)	(Day/Month/Year Filed)
(Number)	(Country)	(Day/Month/Year Filed)

 Yes No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)	(Filing Date)	(Status -- patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status -- patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Hugh D. Jaeger, Reg. No. 27,270

Address all telephone calls to	Hugh D. Jaeger	at telephone number	952-475-1880
Address all correspondence to	Hugh D. Jaeger		952-475-2930 FAX
	1000 Superior Blvd., Suite 302		
	Wayzata, MN 55391-1873		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first Inventor (given name, family name) Thomas A. Burba

Inventor's signature	<i>Thomas A. Burba</i>	Date	11-10-03
Residence	2915 Everest Lane North	Citizenship	US
	Plymouth, MN 55447		

Post Office Address same

Full name of second joint Inventor, if any (given name, family name)	David R. Hardten, M.D.
Second Inventor's signature	<i>David R. Hardten</i>
Residence	2515 Kelly Avenue

Residence	Orono, MN 55331
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Post Office Address same

 Additional inventors are being named on separately numbered sheets attached hereto.

Burden of Proof Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Office of Assistance, Quality and Enhancement Division, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington, DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/02A (08-03)

Approved for use through 07/31/2006. OMB DCS-1-0052

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental SheetPage 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas C.		Prager	
Inventor's Signature	Date 11-10-03		
Residence: City	Wimberley	State	TX
Mailing Address	1819 N. Rainbow Ranch Road		
Mailing Address	Wimberley	State	TX
City	Zip	78676	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
		Date	
Inventor's Signature			
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address	State	Zip	Country
City			
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
		Date	
Inventor's Signature			
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address	State	Zip	Country
City			

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.44. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN		Docket Number (Optional) ESI
<p>Applicant or Patentee: <u>Burba, et al.</u></p> <p>Serial or Patent No.: _____</p> <p>Filed or Issued: _____</p> <p>Title: <u>ULTRASOUND PROBE POSITIONING IMMERSION SHELL</u></p>		
<p>I hereby declare that I am</p> <p><input type="checkbox"/> the owner of the small business concern identified below;</p> <p><input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below;</p>		
<p>NAME OF SMALL BUSINESS CONCERN <u>ESI, Inc.</u></p> <p>ADDRESS OF SMALL BUSINESS CONCERN <u>2915 Everest Lane North</u> <u>Plymouth, MN 55447</u></p>		
<p>I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>		
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p>		
<p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p>		
<p>If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p>		
<p>Each person, concern or organization having any rights in the invention is listed below:</p> <p><input type="checkbox"/> no such person, concern, or organization exists.</p> <p><input type="checkbox"/> each such person, concern or organization is listed below.</p>		
<p>Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)</p>		
<p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.</p>		
<p>Thomas A. Burba</p> <p>NAME OF PERSON SIGNING _____</p> <p>CEO</p> <p>TITLE OF PERSON IF OTHER THAN OWNER _____</p> <p>ADDRESS OF PERSON SIGNING <u>2915 Everest Lane North, Plymouth, MN 55447</u></p> <p>SIGNATURE <u>Thomas A. Burba</u> DATE <u>11-10-03</u></p>		